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Security Council

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France, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous resolutions and statements of its President concerning the situation in Somalia,

Recalling its resolutions 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, and 1612 (2005) and 1882 (2009) on children and armed conflict,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia,

Reiterating its full support for the Djibouti Peace Process, which provides the framework for reaching a lasting political solution in Somalia, *expressing* its support for the Transitional Federal Charter, *recognizing* the need to promote reconciliation and dialogue among the Somali population and *stressing* the importance of broad-based and representative institutions reached through a political process ultimately inclusive of all,

Commending the contribution of the African Union Mission to Somalia (AMISOM) to lasting peace and stability in Somalia, *expressing* its appreciation for the continued commitment of troops and equipment to AMISOM by the Governments of Uganda and Burundi, and *condemning* any hostilities towards AMISOM and the Transitional Federal Government,

Commending the Special Representative of the Secretary-General, Mr. Ahmedou Ould-Abdallah, and *reaffirming* its strong support for his efforts,

Welcoming the communiqué of the 214th meeting of the African Union Peace and Security Council of 8 January 2010, which renewed the mandate of AMISOM for an additional period of twelve months,

Reaffirming the importance of the re-establishment, training, equipping and retention of Somali security forces, which is vital for the long-term stability of Somalia, and *emphasizing* the importance of coordinated, timely and sustained support from the international community,

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Strongly encouraging the prompt disbursement of funds pledged in support of the Somali security institutions and AMISOM at the International Conference on Somalia held in Brussels on 23 April 2009, and *recognizing* the importance of timely and predictable funding for the Transitional Federal Government and AMISOM,

Reiterating its serious concern at the continued fighting in Somalia, and *reaffirming* its support for the Transitional Federal Government,

Condemning the terrorist attacks on the Transitional Federal Government, AMISOM and the civilian population by armed groups and foreign fighters who undermine peace and stability in Somalia, particularly Al Shabaab, and *stressing* the terrorist threat that Somali armed groups, in particular Al Shabaab, constitute for Somalia and for the international community,

Emphasizing the importance of effective public information and communications operations to support the Transitional Federal Government and AMISOM and consolidate the political process, and *expressing* its serious concern at the continued attacks against journalists,

Reiterating its serious concern at the worsening humanitarian situation in Somalia, strongly *condemning* the targeting and obstruction of the delivery of humanitarian aid by armed groups in Somalia, which has prevented the delivery of such aid in some areas, *deploring* the repeated attacks on humanitarian personnel, *expressing* its condemnation in the strongest terms of all acts of violence or abuses committed against civilians and humanitarian personnel, in violation of international humanitarian law and human rights law, and *reaffirming* the importance of the fight against impunity,

Expressing its concern at the significant decline in humanitarian funding for Somalia and *calling on* all Member States to contribute to current and future consolidated humanitarian appeals,

Condemning all and any violations of human rights and international humanitarian and human rights law, *stressing* the responsibility of all parties in Somalia to respect fully their obligations in this regard and to take appropriate measures to protect civilians, including women and children, and *recalling* the conclusions of the Security Council working group on Children and Armed Conflict pertaining to parties in the armed conflict of Somalia (S/AC.51/2008/14),

Recalling its resolution 1897 (2009), *recognizing* that the ongoing instability in Somalia contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, *stressing* the need for a comprehensive response to tackle piracy and its underlying causes, by the international community, including through the training of the Somali coastguard, and *welcoming* the efforts of the Contact Group for Piracy off the Coast of Somalia, States and international and regional organizations,

Welcoming the Secretary-General's report dated 31 December 2009 (S/2009/684), and its recommendations for continued action on the political, security and recovery tracks by the Transitional Federal Government with the support of the international community,

Determining that the situation in Somalia constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to authorize the Member States of the African Union to maintain AMISOM until 31 January 2011, which shall be authorized to take all necessary measures to carry out its existing mandate as set out in paragraph 9 of resolution 1772 (2007);

2. *Requests* the African Union to maintain AMISOM's deployment in Somalia and to increase its force strength with a view to achieving AMISOM's originally mandated strength of 8,000 troops, thereby enhancing its ability to carry out its mandate in full;

3. *Requests* AMISOM to continue to assist the Transitional Federal Government in the development of the Somali Police Force and the National Security Force, and to assist the integration of Somali units trained by other member States or organizations inside and outside Somalia;

4. *Requests* the Secretary-General to continue to provide a logistical support package for AMISOM called for by resolution 1863 (2009), comprising equipment and services, including public information support, but not including the transfer of funds, as described in the Secretary-General's letter (S/2009/60) to the Security Council until 31 January 2011, ensuring the accountability and transparency of expenditure of United Nations funds;

5. *Encourages* Member States to support AMISOM and the Somali Security Sector Institutions through the provision of appropriate and necessary equipment;

6. *Requests* AMISOM to ensure that all equipment and services provided under the support package are used in a transparent and effective manner for their designated purposes, and *further requests* the African Union to report to the Secretary-General on the usage of such equipment and services in accordance with the Memorandum of Understanding established between the United Nations and the African Union;

7. *Requests* the Secretary-General to continue to provide technical and expert advice to the African Union in the planning and deployment of AMISOM through the existing United Nations planning team in Addis Ababa;

8. *Urges* Member States and regional and international organizations to contribute generously and promptly to the United Nations Trust Fund for AMISOM, or to make direct bilateral donations in support of AMISOM, and *encourages* donors to work closely with the United Nations and African Union in order to ensure that the appropriate funds and equipment are promptly provided, particularly in relation to the salaries of AMISOM soldiers and the costs of contingent-owned equipment;

9. *Recalls* its statement of intent regarding the establishment of a United Nations peacekeeping operation as expressed in resolution 1863 (2009), and *notes* that any decision to deploy such an operation would take into account inter alia the conditions set out in the Secretary-General's report dated 16 April 2009 (S/2009/210), and *requests* the Secretary-General to take the steps identified in paragraphs 82-86 of his report (S/2009/210), subject to the conditions in this report;

10. *Emphasizes* that Somalia's long-term security rests with the effective development by the Transitional Federal Government of the National Security Force

and the Somali Police Force, in the framework of the Djibouti Agreement and in line with a national security strategy;

11. *Urges* Member States, regional and international organizations to contribute generously and promptly to the United Nations Trust Fund for the Somali security institutions, and to offer assistance to the Somali security forces, including through training and equipment in coordination with AMISOM, consistent with paragraphs 11 (b) and 12 of resolution 1772 (2007);

12. *Requests* the Secretary-General to continue to assist the Transitional Federal Government in developing the transitional security institutions, including the Somali Police Force, and the National Security Force, and to continue to support the Transitional Federal Government in developing a national security strategy, which reflects respect for the rule of law and the protection of human rights, including plans for disarmament, demobilization and reintegration (DDR), justice and corrections capacities, as well as the legal and policy framework for the operation of its security forces including governance, vetting and oversight mechanisms;

13. *Reaffirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to supplies and technical assistance provided in accordance with paragraph 11 (b) and 12 of resolution 1772 (2007) to the Transitional Federal Government for the purposes of the development of its security sector institutions, consistent with the Djibouti peace process and subject to the notification procedure set out in paragraph 12 of resolution 1772 (2007);

14. *Reiterates* its call on all Somali parties to support the Djibouti Agreement, and calls for the end of all hostilities, acts of armed confrontation and efforts to undermine the Transitional Federal Government;

15. *Welcomes* the efforts of the Transitional Federal Government on reconciliation, *urges* the Transitional Federal Government to continue and strengthen these efforts in the framework of the Djibouti Agreement with all groups willing to cooperate and ready to renounce violence, and *requests* the Secretary-General, through his Special Representative for Somalia, to continue to work with the international community to facilitate reconciliation;

16. *Calls* for the immediate cessation of all acts of violence or abuses committed against civilians and humanitarian personnel in violation of international humanitarian law and human rights law;

17. *Calls on* all parties and armed groups to take appropriate steps to ensure the safety and security of humanitarian personnel and supplies, and demands that all parties ensure full, safe and unhindered access for the timely delivery of humanitarian aid to persons in need of assistance across the country;

18. *Requests* the Secretary-General, through his Special Representative for Somalia and the United Nations Political Office for Somalia (UNPOS), to redouble their efforts to coordinate effectively and develop an integrated approach to all activities of the United Nations system in Somalia, to provide good offices and political support for the efforts to establish lasting peace and stability in Somalia, and to mobilize resources and support from the international community for both the

immediate recovery and long-term economic development of Somalia taking into account the recommendations contained in his report (S/2009/684);

19. *Calls on* the Transitional Federal Government to take every appropriate measure to improve security conditions in Somalia and *requests* the Secretary-General to expedite the proposed deployment of elements of UNPOS and other United Nations offices and agencies, including the United Nations Support Office for AMISOM (UNSOA), to Mogadishu consistent with the security conditions, as outlined in his report (S/2009/210);

20. *Requests* the Secretary-General to report on all aspects of this resolution every four months commencing 1 January and *expresses* its intention to review the situation, as part of his reporting obligations, as specified in the statement of the President of the Security Council of 31 October 2001 (S/PRST/2001/30) and Security Council resolution 1872 (2009);

21. *Decides* to remain actively seized of the matter.

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Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur

I. Introduction

1. The present report is submitted pursuant to paragraph 6 (c) of Security Council resolution 1881 (2009), by which the Council requested me to report every 90 days on progress made towards implementing the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) across Darfur, as well as on the political process, on the security and humanitarian situation and on compliance by all parties with their international obligations. It covers the period from 1 November 2009 to 31 January 2010.

2. In accordance with the Council's request in paragraph 6 (b) of resolution 1881 (2009), the present report includes an assessment of the mission's progress made against the benchmarks contained in my report to the Council of 16 November 2009 (S/2009/592). Consequently, in the light of a review of the deployment status of UNAMID, the present report is organized according to the issues listed under the four benchmark areas: the political process; the security situation; the rule of law, governance and human rights; and the humanitarian situation.

II. Deployment

3. As at 21 January 2010, the strength of UNAMID military personnel stood at 15,553, representing 79 per cent of the authorized strength of 19,555. That number includes 14,948 troops, 346 staff officers, 64 liaison officers and 195 military observers. During the reporting period, the advance parties of three infantry companies arrived in Darfur: the Nepalese force and sector reserve companies and the Sierra Leonean reconnaissance company. In addition, the main body of the battalion from Burkina Faso deployed to Darfur, bringing the number of infantry battalions in UNAMID up to 14 of the mandated 18. Current projections indicate that two more battalions, the second Ethiopian battalion and a battalion from the United Republic of Tanzania, will complete deployment by complementing their advance parties by the end of February 2010.

4. The Ethiopian tactical helicopter unit is expected to deploy to Nyala in mid-February 2010. The Government of the Sudan has allocated space at Nyala airport for the unit's ammunition bunker. The construction of the apron for

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helicopter parking is being carried out by the Chinese engineering unit and is expected to be completed in time for the deployment.

5. As at 20 January 2010, the number of police personnel had increased to 4,625, which represents 71 per cent of the authorized strength. This includes 2,818 police advisers and 1,807 formed police personnel. A total of 13 of the 19 formed police units have deployed.

6. Of the 12 military units and the 6 formed police units yet to be deployed, 5 military units (the Ethiopian multirole logistics unit, the Nigerian sector reconnaissance company, the Nigerian sector reserve company, the second Senegalese battalion and the Thai battalion) and five formed police units, from Burkina Faso, Nigeria, Senegal, Togo and Uganda, have been pledged but have not yet deployed. The Department of Peacekeeping Operations and the Department of Field Support are working closely with troop- and police-contributing countries to expedite the deployment of those units. Seven military units (two medium transport units, one level II hospital, three medium utility helicopter units and one aerial reconnaissance unit) have yet to be pledged.

7. As at 21 January 2010, the number of UNAMID civilian personnel stood at 4,045 (1,117 international staff, 2,522 national staff and 406 United Nations Volunteers), representing 73 per cent of the approved strength of 5,546. The mission continues to face difficulties in recruiting and retaining suitably qualified staff, owing to the harsh living conditions and unpredictable security situation in Darfur. Since January 2008, 184 potential candidates have declined offers of appointment.

8. The self-sustainment capability of units in Darfur continues to be a challenge. The four Nigerian battalions, the Gambian headquarters company, the Kenyan military police unit and the South African battalion have a shortfall of requisite major equipment ranging between 61 and 100 per cent and are not self-sustained in the majority of the required categories. Rwanda has deployed a major portion of its main equipment requirements, although an average shortfall of up to 20 per cent persists. Senegal deployed the required additional contingent-owned equipment, and has met the requirements for both major equipment and self-sustainment materials.

9. There was a marked improvement in the processing of visas for UNAMID personnel during the reporting period. In the period from 1 November 2009 to 9 January 2010, the Government of the Sudan issued 555 new entry visas to UNAMID personnel. As at 22 January, 161 visa applications were pending.

10. On 16 November 2009, the seventh tripartite coordination mechanism meeting was held in Khartoum, with the participation of representatives of the Government of the Sudan, the African Union, the secretariat of the Department of Peacekeeping Operations and the Department of Field Support and UNAMID. The mechanism continues to provide a successful confidence-building framework to expedite deployment and address related challenges effectively. The meeting participants agreed that, as UNAMID reached near full deployment, the focus of the mission and the tripartite meetings would shift from deployment towards the effective employment of troops and police, in particular with regard to the mission's freedom of movement and measures to enhance security for United Nations personnel and reduce criminality.

11. Significant efforts are being made by the mission to carry out geophysical investigations for new water sources in or near UNAMID camps. The mission will

drill boreholes where possible to minimize the time taken to collect water and reduce the number of military escorts required for the drawing and distribution of water. Efforts will be made to ensure that that work benefits the local population.

III. Political process

12. During the reporting period, the Darfur mediation continued its intensive interaction with the parties to the conflict and with regional and international stakeholders. Progress towards direct negotiations and agreements to improve the security situation has been frustrated by the continued fragmentation of the armed movements, ongoing military activities in Darfur and the lack of confidence between the parties. With regard to the fragmentation of the movements, the efforts of the Governments of the Libyan Arab Jamahiriya and the United States of America to encourage greater cohesion among the armed movements continue to be a supportive element of the mediation's work.

13. The mediation has sought to accelerate progress towards a peace agreement by means of a three-track approach: (a) working with the belligerent parties to bring them to direct negotiations on a peace agreement for Darfur; (b) expanding the consultations with Darfurian civil society to create a substantive foundation for the negotiations and to bolster the willingness of the parties to engage in the political process; and (c) facilitating an improvement in relations between Chad and the Sudan.

14. While formal talks between the parties to the conflict were not possible, informal consultations continued with all parties, intensifying with the arrival in Doha on 21 January of representatives of three of the four main groups (the Justice and Equality Movement (JEM) and the Addis Ababa and Tripoli groups). During those consultations, the mediation called on the parties to engage in the process constructively and with greater flexibility, and urged international partners to echo that message, especially in the light of the need for a cessation of hostilities and a commitment to a final accord before the upcoming elections.

15. In addition, the mediation continued to engage with the Government of the Sudan to encourage the implementation of concrete measures to improve the security situation for civilians in Darfur and to create a climate of trust. In this context, the Government of the Sudan played a constructive role in facilitating the civil society forum convened in Doha from 17 to 20 November in support of the peace process.

16. In order to complement the ongoing discussions between the parties to the conflict, the mediation expanded its engagement with Darfurian civil society. UNAMID supported that initiative through extensive consultations with civil society, native administration, internally displaced persons, young people and women's groups. Following an expert-level workshop, held in Doha from 12 to 14 October 2009, the mediation and the State of Qatar initiated, on 18 November 2009, a round of peace talks with all major communities living in Darfur. The Chairperson of the African Union Commission, Jean Ping, and the UNAMID Joint Special Representative, a.i., Henry K. Anyidoho, were also present.

17. The mediation continued to encourage the Governments of the Sudan and Chad to take concrete steps to improve relations. Following a visit by Sudanese

presidential adviser Ghazi Salah Al-Deen to Chad on 10 and 11 October 2009, a high-level Chadian delegation, led by the Minister for Foreign Affairs, Moussa Faki Mahamat, visited Khartoum from 24 to 26 December 2009. The Sudanese presidential adviser subsequently visited N'Djamena on 15 January 2010, and the two Governments signed an Accord on Normalization of Relations between their countries and an additional border security protocol, which provides for joint patrols along the common border as well as the establishment of observation posts. The mediation held extensive high-level meetings with both Governments, as well as regional partners, to discuss the implementation of the agreements with a view to creating an environment conducive for the Darfur peace process.

18. In preparation for upcoming elections, voter registration was undertaken in the Sudan from 1 November to 7 December 2009. In Darfur, voter registration was undertaken without major security incidents. In collaboration with local authorities, the National Elections Commission established registration centres in five camps for internally displaced persons in Northern Darfur, four in Southern Darfur and six in Western Darfur. Displaced persons from camps in which registration centres were not located, such as Kalma (Southern Darfur), had the option of registering in nearby centres established for that purpose. Registration centres were also established in several locations along the border between the Sudan and Chad. According to official results released by the National Elections Commission, 2,433,920 Darfurians, or approximately 67 per cent of the total voting population according to the 2008 census, registered.

19. Despite the high turnout reported, voter registration did not proceed without difficulties in the three Darfur States. The continued retention of the emergency laws in Darfur restricts freedom of expression, association and assembly, which are crucial aspects of any free, fair and transparent electoral process. Additional constraints observed during the voter registration process included inadequate civic and voter education, an insufficient number of registration centres and allegations of the improper use of state resources and the failure to register domestic observer groups.

20. On 9 November 2009, Khalil Ibrahim, Chairman of JEM, and Ibrahim al-Helwu, spokesperson of the Sudan Liberation Army (SLA)-Abdul Wahid, called on the people of Darfur to boycott the electoral process on the grounds that a comprehensive peace for Darfur had not been achieved. SLA-Abdul Wahid also threatened to attack registration officials if they entered areas under its control. As a result of the boycott and the direct threats to registration officials, the voter registration process was not conducted in areas controlled by the two movements. It was observed that in other areas of Darfur, groups sympathetic to SLA-Abdul Wahid and JEM also boycotted the process.

21. In addition, UNAMID continued to support efforts at the local level to establish effective mechanisms and institutions promoting reconciliation between communities. During the reporting period, the mission supported several reconciliation initiatives among communities, most commonly over land and water. UNAMID also provided logistical and technical support for a month-long "peace tour" of Western Darfur by the Peace and Reconciliation Council of the Transitional Darfur Regional Authority.

IV. Security situation

22. The security situation in certain areas of Darfur was marked by intermittent military operations between the Sudanese Armed Forces and armed movements. Increasing intercommunal violence and banditry were also of concern. Those conflicts put civilians at risk and resulted in displacement.

23. On 25 November 2009, members of the Central Reserve Police and the Sudanese Armed Forces attacked the villages of Al Hara and Jebel Isa north of Malha (Northern Darfur) in apparent retaliation for an attack carried out on 18 November 2009 by an unknown armed group on a Government of the Sudan convoy in Khurbateekh (3 km south of Malha). Eyewitnesses informed UNAMID that elements of the Central Reserve Police and the Sudanese Armed Forces looted shops, vandalized a local water pump and arrested 12 people. UNAMID was also informed that fighting between the Sudanese Armed Forces and SLA-Abdul Wahid in Mawu and Koskare villages (Northern Darfur) on 18 November resulted in the death of one civilian and injury to several others, although it is unclear who initiated the hostilities.

24. In Western Darfur, clashes occurred between the Sudanese Armed Forces and JEM, including fighting between 2 and 8 January 2010 near Silea (42 km south-east of Kulbus). No confirmed casualties were reported as a result of those incidents.

25. Following reports on 16 January 2010 of fighting between the Sudanese Armed Forces and SLA-Abdul Wahid near Kutum, Northern Darfur, UNAMID conducted a security assessment in the area on 17 January 2010. During the fighting, 15 civilians were reportedly killed and 20 injured. The UNAMID team site in Kutum provided medical treatment to critically injured persons.

26. Increased intercommunal violence also resulted in civilian casualties during the reporting period. In Northern and Southern Darfur, a series of clashes between members of the Birgid and the Zaghawa tribes resulted in the deaths of over 30 civilians, including women and children, and forced an unknown number of civilians to flee their villages and cultivated farmlands. Two of the most severe attacks were carried out against Negea (35 km north-east of Khor Abeche) on 18 November and 23 December 2009, during which 18 civilians were reported to have been killed. In a subsequent mission to the area, UNAMID confirmed that villages had been burned and property looted. Eyewitnesses informed UNAMID that Zaghawa tribesmen were supported by elements of the SLA-Minni Minnawi faction, while the Birgid were reportedly supported by the SLA-Free Will faction.

27. The security situation in the border areas between Chad and the Sudan remained volatile, despite improving diplomatic relations between the two States. Two cross-border incidents were recorded at Kulbus, Western Darfur, after the official visit of Sudanese presidential adviser Ghazi Salah Al-Deen to N'Djamena in October 2009. On 6 November 2009, UNAMID observed a brief incursion into Chadian territory by a Sudanese military aircraft, which flew back to the Sudan after being fired upon by Chadian military. On 19 November, UNAMID observed two armed vehicles and four armoured personnel carriers carrying Chadian soldiers crossing the border into the Sudan and returning the same day.

28. The redeployment of Chadian armed opposition group elements from the border in Western Darfur to areas around Saya and Mellit in Northern Darfur, as a

confidence-building measure between N'Djamena and Khartoum, is a welcome development. There are indications, however, that Chadian rebels have contributed to increased insecurity in the areas of Darfur to which they have been relocated. Despite assurances received by UNAMID from Sudanese military commanders regarding the safety of the Chadian armed opposition group presence on Sudanese territory, locals have complained of harassment and human rights abuses perpetrated by the Chadian elements. In one such incident, on 10 January 2010, locals reportedly clashed with Chadian armed opposition group forces who had been looting in Um Kary village; as a result, two local civilians reportedly died. The National Intelligence and Security Services of the Government of the Sudan denied UNAMID clearance to go to the area for verification. Efforts are under way to hold discussions with the Government Senior Military Liaison Officer based in El Fasher to acquire the clearance necessary to visit the affected areas.

29. In this context, ongoing restrictions on the access of UNAMID, in particular its patrols in the aftermath of reported fighting, are of serious concern. UNAMID recorded 21 restrictions on freedom of movement: 6 by Government forces and 15 by non-governmental actors, including 9 cases of restrictions by SLA-Abdul Wahid, 1 by SLA-Minni Minnawi, 4 by JEM and 1 by Chadian armed opposition groups.

30. In certain cases, the restrictions can become threatening in character. For example, on 9 January 2010, a UNAMID patrol to Nama village in the Jebel Marra was surrounded by SLA-Abdul Wahid forces, who fired shots in the air and confiscated UNAMID equipment. The forces then threatened the UNAMID team with physical harm and stated that UNAMID could not return to the area. Similarly, on 10 January 2010, a commander of SLA-Abdul Wahid visited the UNAMID team site at Sortony (Northern Darfur) and demanded that UNAMID cease all patrols to villages under SLA-Abdul Wahid control. UNAMID explained its mandate to the commander, and has continued to dispatch patrols in the area. On 19 and 25 November 2009, UNAMID patrols were stopped at a JEM checkpoint at Bardani (28 km south-east of Kulbus) and not allowed to proceed. The UNAMID Force Commander is in contact with the factions and the Sudanese Armed Forces in an effort to remove such restrictions and prevent interference in the execution of its mandate.

31. The security environment continues to present significant risks to United Nations and humanitarian staff in Darfur. UNAMID personnel were deliberately attacked on several occasions during the reporting period. On 4 December 2009, an escort patrol to a water point in Saraf Umra, Western Darfur, was attacked by a group of unknown gunmen. Three UNAMID peacekeepers were killed in the attack and two others seriously injured. On 5 December 2009, unknown gunmen shot and killed two UNAMID peacekeepers and injured another while the team was supplying water to internally displaced persons near the UNAMID team site at Shangil Tobaya, Northern Darfur. In response to those incidents, UNAMID formed a coordinated investigation team with the Sudanese police, and several suspects have been arrested by State authorities in ongoing investigations.

32. In a positive development, two UNAMID international staff members who had been held in captivity for 107 days were released without harm on 13 December 2009. UNAMID had maintained close contact with the Government of the Sudan throughout the period of their captivity in an effort to obtain their release. A staff

member of International Committee of the Red Cross who was abducted near El Geneina on 22 October 2009 remains in captivity, and UNAMID has received reports that two staff members of an international non-governmental organization based in Birao, Central African Republic, have been taken to Darfur and remain in captivity.

33. On 8 December 2009, a team of UNAMID police advisers escorted by a Pakistani formed police unit in Nyala came under fire from a group of some 12 to 15 attackers wearing military fatigues and carrying automatic weapons. UNAMID police exchanged fire with the attackers for nearly half an hour before repulsing them. No UNAMID casualties were sustained in that incident. On 10 January 2010, a group of unknown armed persons attacked a UNAMID patrol 30 km from Zalingei (Western Darfur), but UNAMID troops were able to defend the patrol without injury.

34. Although carjacking incidents involving vehicles belonging to United Nations and non-governmental organizations continued to occur, 6 of 13 vehicles carjacked during the period under review were recovered. Improved collaboration with Government security institutions, as well as enhanced mitigation measures adopted by the international community, contributed to this trend.

35. UNAMID has continued to implement its mandate of contributing to the establishment of a secure and stable environment in Darfur. To that end, UNAMID military personnel conducted 2,952 routine patrols, 470 short-range patrols, 289 long-range patrols, 958 night patrols, 364 humanitarian escorts and 451 logistics/administrative patrols during the reporting period.

36. UNAMID police conducted a total of 10,872 patrols, including firewood, farm, and confidence-building and monitoring patrols in camps for internally displaced persons and in towns and villages. The number of long-range patrols increased compared with the previous reporting period, to 28. The patrols were aimed at providing security to internally displaced persons and other vulnerable civilians and expanding secure areas to encourage livelihood activities and the free movement of persons, goods and services. UNAMID also focused its patrols on protecting women carrying out daily activities, such as farming and the collection of firewood and water, during which they are experiencing increased insecurity.

37. UNAMID continued to expand its community policing initiative in camps for and communities of internally displaced persons throughout Darfur, including through the training of 337 new community policing volunteers in the reporting period. Approximately 1,000 reflective jackets were distributed to volunteers in an effort to enhance their night operations. The activities of community policing volunteers contributed significantly to the reduction of crimes in those camps and communities where they operate.

38. Following a comprehensive review of the UNAMID community policing centre locations and structures in camps for internally displaced persons carried out during the reporting period, it was decided that the originally planned number of 83 community policing centres would be reduced to 70. This will ensure better alignment with UNAMID military deployment plans and strengthen police operational capabilities. Of the 70 planned centres, 54 are to be constructed, while 16 are to be upgraded. To date, 11 community policing centres have been constructed or upgraded, and another 3 are under construction.

39. UNAMID continued to raise awareness about risks posed by mines and unexploded ordnance. A total of 46 villages and 1,109 km of road were assessed for possible contamination by unexploded ordnance. 52 such devices were destroyed and 9,875 Darfurians were educated about the risks posed by unexploded ordnance. In addition, community leaders and school teachers received training on the threat that such devices pose to their communities. During the reporting period, two accidents involving unexploded ordnance caused injury to civilians in Saya and Tawilla, both in Northern Darfur.

40. Despite the continued absence of an agreed policy framework for the disarmament, demobilization and reintegration of ex-combatants in Darfur, the Government of the Sudan organized a discharge exercise for more than 300 former combatants from 22 to 24 November in El Fasher, Northern Darfur. Those discharged included 57 members of SLA-Mother, as well as 250 Sudanese Armed Forces and People's Defence Forces personnel. In addition, SLA-Peace Wing discharged 220 troops and turned over 117 assorted weapons and seven vehicles to the Darfur Security Arrangement Implementation Commission in Southern Darfur. Plans are under way to continue the discharge programme in other parts of Darfur, targeting a total of 5,000 former combatants affiliated with signatories of the Declaration of Commitment to the Darfur Peace Agreement who were disarmed in July 2008 when they formally surrendered their weapons to the Government of the Sudan. While this was a unilateral initiative by the Government of the Sudan and is not linked to any formal disarmament, demobilization and reintegration programme, UNAMID provided logistical support for the exercise, including security, transport and health services.

V. Rule of law, governance and human rights

41. The work of UNAMID with respect to the rule of law, governance and human rights continues to focus on assisting the Government of the Sudan in enhancing its capacity to provide credible, effective protection to civilians in Darfur. While there has been some improvement in the cooperation between the Government of the Sudan and UNAMID, serious issues remain.

42. Conflict-related sexual and gender-based violence remains a serious concern in Darfur. Women and girls, particularly those who are internally displaced, continue to allege that they are being subjected to gender-based violence perpetrated by State actors, members of armed groups and private individuals. UNAMID is working with local authorities to address those concerns. During the reporting period, UNAMID documented 18 such alleged cases, also taking note of the ongoing concerns relating to the underreporting of gender-based violence in Darfur. In this context, on 8 December 2009, the Criminal Court in Zalingei (Western Darfur) found two police officers guilty of rape under article 149 of the Sudanese Criminal Act of 1991. The court sentenced the men to the maximum sentence of 10 years' imprisonment each.

43. As part of its efforts to address gender-based violence, between 24 November and 10 December 2009, UNAMID and United Nations agencies operating in Darfur jointly organized events in connection with the annual international campaign "16 Days of Activism against Gender Violence". While authorization to broadcast radio programmes about issues related to sexual and gender-based violence in Northern Darfur has not yet been provided by the Government of the Sudan,

UNAMID conducted six training workshops on gender-based violence, domestic legislation and legal aid for lawyers, and on human rights and prison management for prison officials, involving 198 participants, including 71 women. Three workshops on transitional justice for civil society were conducted in Western and Southern Darfur. Training-of-trainers workshops were held for women leaders in camps for internally displaced persons in Northern Darfur on issues related to gender and human rights.

44. In another positive development, the Advisory Council for Human Rights of the Government of the Sudan held several meetings with UNAMID on human rights concerns in Darfur, and a series of meetings were held with Government authorities at the State level. On 29 October 2009, the Wali of Western Darfur issued Decree No. 53/2009, establishing the State Human Rights Forum, which will be assisted by UNAMID going forward.

45. Concerns remain regarding the application in Darfur of the 1997 Emergency and Public Safety Protection Act. For example, eight persons still detained on suspicion of involvement in the killing of an umda from the Abu Shouk camp for internally displaced persons in El Fasher on 2 August 2009 have not been provided with due process. They are reportedly being detained under the 1997 Act; however, this is inconsistent with the obligations of the Sudan under the 2005 Interim National Constitution, which provides all Sudanese with judicial protections.

46. Regarding the corrections system in Darfur, UNAMID continues to assist Sudanese prison management with a view to improving the treatment of inmates, including juvenile offenders. During the reporting period, a joint assessment of prisons in Northern Darfur was conducted by UNAMID, Government of the Sudan representatives and El Fasher University, the outcome of which is intended to provide guidance to Government authorities in managing prisons. Some of the serious infrastructural shortcomings identified in the prisons will be addressed using UNAMID quick-impact project funding, including the ongoing construction of a dormitory block for women inmates in Shalla prison, Northern Darfur. A draft memorandum of understanding between UNAMID and the Government of the Sudan to grant UNAMID unimpeded access to prisons has been prepared and awaits signature by officials of the Government of the Sudan.

47. In a continued effort to build the capacity of the local police, UNAMID conducted training programmes on crime investigation and community policing for 125 Government police personnel. It also trained 144 movement police personnel on sexual and gender-based violence, human rights and community policing. In support of the electoral process, UNAMID conducted a nine-day election security training exercise for 4,625 Government police personnel and 1,400 police recruits in all three States of Darfur. The mission also facilitated the construction of four training centres — in El Fasher, Nyala, El Geneina and Zalingei — in support of Government police training programmes.

48. With regard to ending the recruitment and use of child soldiers, during the reporting period 243 children associated with the SLA Free Will and Mother factions were released and demobilized under the Darfur security arrangements mechanism in Southern Darfur. This brings to 383 the total number of children associated with armed groups released thus far, of the 2,000 children registered under the mechanism.

49. In this context, my Special Representative for Children and Armed Conflict visited the Sudan in November 2009 and called upon the Government of National Unity to adopt, as a matter of urgency, a comprehensive national strategy to combat sexual violence against children, in accordance with its responsibility to take action to protect children against rape and sexual violence under international law. She also met with the leadership of several Darfur armed movements, including SLA-Free Will, SLA-Mother and JEM-Peace Wing, who agreed to initiate a dialogue with the United Nations concerning commitments to action plans to end the recruitment and use of child soldiers, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005). In a separate development, the leadership of the Sudanese Armed Forces also agreed to consider the adoption of an action plan to end the recruitment and use of child soldiers, extended to pro-Government militia groups in Darfur.

50. SLA-Minni Minnawi agreed to unhindered verification by the United Nations of its military camps and areas of concentration in compliance with an action plan signed on 11 June 2007 with the United Nations Children's Fund (UNICEF) committing it to release children from its ranks for rehabilitation and to end the use of child soldiers.

VI. Humanitarian situation

51. The regular distribution of food aid by the World Food Programme (WFP) and partner organizations continued as planned, without major incidents relating to insecurity. In November and December 2009, WFP and its cooperating partners directly distributed food to approximately 4.2 million people at over 400 distribution points throughout Darfur.

52. Areas not receiving food assistance, however, were a cause for concern, given the poor rains in 2009 and the resulting low crop performance. In the Jebel Marra and Jebel Si areas, for example, poor crop performance and lack of assistance were reported as possible triggers for some population movements out of the area. In response, WFP scheduled a single seasonal food distribution for the Jebel Marra area in December 2009.

53. The distribution of non-food items was undertaken to support 57,206 households in Darfur in November and 113,058 in December 2009. Approximately 95 per cent of those distributions supported internally displaced communities in need of supplies, while the remainder covered newly displaced populations and a small number of disaster-affected communities. Total distributions in 2009 served 586,464 households, with more than 1.9 million items distributed. More than 20 national and international organizations supported the distribution effort under the coordination of the United Nations.

54. The humanitarian workplan for the Sudan was launched in November 2009 as part of the 2010 consolidated appeals process. The workplan requires a total of $1.9 billion for the conduct of critical humanitarian and early recovery activities across the Sudan, with a little over $1 billion in requirements for 2010 designated for assistance for Darfur.

55. On 15 November 2009, the Wali of Northern Darfur officially launched the Northern Darfur State Joint Committee as a branch of the High-level Committee based in Khartoum. All three States of Darfur are required to establish a Joint State

Committee in accordance with Ministerial Decree No. 4, of 2 May 2009, in order to ensure efficiency of the aid-delivery system; monitor programme quality and performance; guarantee a safe, secure and predictable operating environment for humanitarian agencies; and ensure that humanitarian and early recovery activities are carried out according to established humanitarian principles.

56. The joint verification mechanism for the return of internally displaced persons in Darfur, established by the High-level Committee on 28 October 2009, was inaugurated on 6 December 2009. In this context, the International Organization for Migration has identified 15 locations in Darfur as return areas that will undergo assessment.

57. The increased deployment and patrolling capabilities of UNAMID have allowed for more activities to facilitate humanitarian delivery and access throughout Darfur, including long-range patrols, patrols in urban areas and patrols to protect farming activities in rural areas.

58. As of December 2009, 262 quick-impact projects had been approved by UNAMID and were in various stages of implementation. While the largest number of quick-impact projects (60 per cent) provide support in the field of education, the remaining projects address needs in the areas of water, sanitation, health, environment, shelter, agriculture, women's empowerment and income-generation. In all, 71 quick-impact projects have been fully implemented by UNAMID partners to date.

59. Despite those developments, a comprehensive and sustainable solution to the humanitarian situation in Darfur has yet to be achieved, and conditions conducive to the voluntary return of the more than 2 million displaced persons have not yet been established. Sustaining the presence of the humanitarian community in remote rural areas continues to be a major challenge, particularly in the light of the security situation in some parts of Darfur and the abductions of humanitarian workers.

60. In November 2009, the International Committee of the Red Cross announced a major reduction in its field activities in Darfur following the abduction of an international staff member in El Geneina, Western Darfur, and another kidnapping, in neighbouring Chad. The suspension of activities in rural areas negatively affected the implementation of livelihood support projects and routine water-point rehabilitation, particularly in areas of Northern Darfur that remain inaccessible to other humanitarian actors, and where the water situation for both livestock and human consumption is already deteriorating as a result of ongoing drought.

61. In addition, humanitarian assessment and field missions were obstructed on at least two occasions during the reporting period. On 4 November 2009, SLA-Abdul Wahid forces denied access to WFP distribution trucks carrying relief supplies to areas in the Shaeria locality (Southern Darfur). SLA-Abdul Wahid forces also prevented a joint assessment team, including the United Nations Population Fund, UNICEF, the Office for the Coordination of Humanitarian Affairs, the World Health Organization and UNAMID from visiting Sortony (Northern Darfur) on 8 November 2009, in spite of reports of a serious humanitarian situation there.

62. Population movements both within and between Northern and Southern Darfur occurred during the reporting period, primarily in response to tension between the Zaghawa and Birgid tribes. An inter-agency assessment mission to the Shaeria locality in Southern Darfur from 3 to 5 November 2009 identified approximately

15,000 newly internally displaced persons. Following the 23 December 2009 attack by SLA-Minni Minnawi forces on the village of Negea, there were unconfirmed reports of displacement from the villages of Negea and Jakara to Karamje and Shaeria. In Northern Darfur, a new camp for internally displaced persons for approximately 1,500 Birgid households was established in Um Deresai (15 km south of Shangil Tobaya).

63. There are concerns that the new population displacements could exacerbate pressures on the limited natural resources. Preliminary reports following the most recent rainy season indicate that yields on local staple foods have been low and that competition has increased for available water resources and grazing areas.

VII. Observations

64. Two years into its mandate, UNAMID has made significant progress towards full deployment and is now focused on its critical tasks of protecting civilians and facilitating humanitarian delivery. In the light of the progress in the political process, recovery partners have begun discussions on medium- and long-term planning. However, serious challenges remain in Darfur, including ongoing military confrontation between the Government of the Sudan and other armed elements, attacks on UNAMID and humanitarian convoys and armed attempts to prevent UNAMID from patrolling. The most serious impediment to sustainable peace in Darfur continues to be the failure of some parties to engage in the peace process in a meaningful way.

65. The killing of five UNAMID peacekeepers during two incidents in the reporting period is unacceptable. I strongly condemn all such attacks. I urge the Government of the Sudan to ensure that those responsible are brought to justice.

66. I remain deeply concerned at the reports of fighting between the forces of the Government of the Sudan and the armed groups in Darfur. UNAMID documented attacks by Government forces on villages near Malha (Northern Darfur) on 25 November 2009, as well as clashes between Government of the Sudan and JEM forces in Silea (Western Darfur) from 2 to 8 January 2010. Those military activities undermine the efforts to achieve a political solution to the conflict.

67. I was gratified to learn of the release on 13 December 2009 of two UNAMID staff members who had been held in Darfur for 107 days, and I would like to express my appreciation for the efforts that secured their safe release. The primary responsibility for the safety and security of United Nations and humanitarian personnel in Darfur lies with the host Government, and UNAMID will continue to operate under that principle and work with the Government of the Sudan towards that end.

68. During the reporting period, UNAMID documented 21 instances in which its freedom of movement was restricted, including 6 incidents involving officials of the Government of the Sudan and 9 involving SLA-Abdul Wahid. Some of the incidents involving the armed movements included threats of physical harm against UNAMID staff, shots fired in the air and the theft or confiscation of UNAMID equipment. The repeated restrictions on freedom of movement are a serious impediment to the ability of the mission and humanitarian actors to gain access to populations affected by violence. In each instance, the mission has raised concerns with the relevant authorities with the expectation that full freedom of movement will be granted.

69. As the political process gains momentum, and in order to build on the significant work of the Joint Chief Mediator, Djibrill Bassolé, to increase engagement among the parties to the conflict, I urge all parties to cease armed confrontation and engage in a meaningful way in substantive, inclusive discussions.

70. I also take note of the establishment of the African Union High-level Implementation Panel, led by the former President of South Africa, Thabo Mbeki. The High-level Panel and the international community can play a critical role in encouraging the Government of the Sudan and the rebel movements to engage in the negotiations led by the Joint Chief Mediator. UNAMID has given strong support to the High-level Panel, and the United Nations will continue to work in close collaboration with the African Union to ensure that those important initiatives are complementary.

71. In the context of the political process, it is critical that the national elections scheduled for April 2010 provide an opportunity for all Darfurians, particularly internally displaced persons, to participate fully and completely unhindered. While the peaceful conduct of the registration process was a positive development, I strongly urge the Government of the Sudan to address the significant technical and political challenges which remain unresolved and could compromise the electoral process in Darfur. The conclusion of a peace agreement before the holding of the elections would provide the confidence necessary for all Darfurians to participate in the process. I call on the Government of the Sudan to ensure that, in the absence of such an agreement, negotiations on the fundamental causes of the conflict continue after the elections, with the full representation of Darfur stakeholders. I also call on the Government of the Sudan to ensure that all Sudanese enjoy the freedom of movement, assembly and expression necessary to enable them to participate in the electoral process through the polling period.

72. I also welcome the resumption of high-level dialogue between the Governments of the Sudan and Chad and the signing, on 15 January 2010, of the Accord on Normalization of Relations between the Sudan and Chad. Going forward, it will be important that normalization of diplomatic relations be translated into increased security on the ground, particularly along the common border. While the decision by the Chadian authorities to expel Sudanese armed opposition groups from its territory was a positive step in this regard, ongoing reports of cross-border activities from both sides of the border remain a serious concern.

73. Continuing shortfalls in the self-sustainment of military and formed police units remain a major challenge to the operational capability of the mission. I thank troop- and police-contributing countries for their commitment to UNAMID, while urging all contributing countries to ensure that the necessary arrangements are made to deploy the required equipment and capabilities, including medical facilities, in accordance with their agreed memorandums of understanding with the United Nations.

74. Finally, I informed the Security Council on 3 December 2009 that Ibrahim Gambari had been appointed as the new UNAMID Joint Special Representative, effective 1 January 2010. He arrived in the mission area to assume his duties on 22 January. In this connection, I wish to express my gratitude to the Deputy Joint Special Representative, Henry K. Anyidoho, who had led the mission since 1 September 2009.

United Nations S/2010/51

Security Council

Distr.: General
1 February 2010

Original: English

Letter dated 28 January 2010 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council

I have the honour to write to you in your capacity as the President of the Security Council for the month of January 2010 and to transmit the attached "Conclusions on developments in Bosnia and Herzegovina" of the second meeting of the Political Directors of the South-East European Cooperation Process, which was held in Antalya, Turkey, on 25 January 2010 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council, in connection with the item entitled "The situation in Bosnia and Herzegovina".

(*Signed*) Ertuğrul **Apakan**
Ambassador
Permanent Representative

10-22724 (E) 040210

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Annex to the letter dated 28 January 2010 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council

Turkish Chairmanship-in-Office of the South-East European Cooperation Process

Second meeting of the Political Directors

Conclusions on Developments in Bosnia and Herzegovina

We, the Political Directors of the participating states of the South-East European Cooperation Process (SEECP) took part in the second SEECP Political Directors meeting under the Turkish Chairmanship-in-Office in Antalya on 25 January 2010.

We believe that peace, security and stability in South-Eastern Europe are of vital importance and directly linked with those of a wider European region. While the tragic events of the recent past remain in our memories, the countries of the region affirm and assume their responsibility for building a peaceful and stable future for the region.

We discussed regional issues with a particular emphasis on Bosnia and Herzegovina.

We are of the opinion that in order to create an environment of lasting peace, stability and good neighbourly relations in South-Eastern Europe, a joint vision has to be developed, in which people of the region can live in peaceful coexistence and harmony.

We think that this broader vision could encapsulate, inter alia, principles such as providing security for all countries; maintaining high-level political dialogue; encouraging economic cooperation with a view to creating maximum regional integration; and ensuring multi-ethnic, multicultural and multireligious societies. The ultimate objective of this broader vision has to be full integration with the European and Euro-Atlantic structures. In this respect, initiatives aiming at the completion of the European integration of all Western Balkans, such as the Greek initiative "Agenda 2014", are welcome.

We emphasize that Bosnia and Herzegovina, which is a microcosm of the region, lies at the centre of this broader vision and should continue its efforts to attain the already-defined European and Euro-Atlantic objectives.

Having reviewed the situation in Bosnia and Herzegovina, the Political Directors of SEECP:

- Convey congratulations to Bosnia and Herzegovina for being elected to serve on the Security Council in the period 2010-2011
- Recognize that important challenges and milestones, inter alia, parliamentary elections, constitutional reform, further democratization processes, human rights standards and relations with the European Union and the North Atlantic Treaty Organization, are ahead
- Stress the utmost need for national reconciliation, through better understanding among the three constituent peoples: Bosniaks, Croats and Serbs

- Discussing in detail the current political situation in Bosnia and Herzegovina, emphasize the requirement to meet the challenges throughout 2010, in particular the general elections period, with restraint and calm

- Underline that a comprehensive and coordinated return of refugees and displaced persons continues to be crucial to lasting peace

- Commend the efforts of Bosnia and Herzegovina in its reform process, in particular in the field of defence, and call on the authorities to speed up these efforts

As for the region, the Political Directors:

- Emphasize their strong support for the territorial integrity, sovereignty, equality of the three constituent peoples and others, within the internationally recognized borders of Bosnia and Herzegovina, and express their full solidarity with its peoples

- Highlight the importance of regional ownership and underline the role of the countries of the region

- Underline the need for confidence-building among stakeholders in Bosnia and Herzegovina and the neighbouring countries. In this respect, initiatives such as the trilateral dialogues initiated by Turkey, Serbia and Croatia with Bosnia and Herzegovina are welcome

As far as the international community is concerned, the Political Directors:

- Support the determination of the international community to help Bosnia and Herzegovina towards integration with European and Euro-Atlantic structures

- While recognizing the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement) and the Annexes thereto, as well as the relevant decisions of the Peace Implementation Council, reiterate their encouragement to continue search for a consensus on the constitutional amendments necessary for the sustainable functionally and strengthening of the State, which is a precondition for the advancement of the European Union integration process and for the equality of the three constituent peoples and others

- Express that the transition from the Office of the High Representative to the European Union Special Representative should be carried out once the five objectives and two conditions set by the Peace Implementation Council Steering Board are completed, thus allowing for a fully functional State structure

- Emphasize the importance of admitting Bosnia and Herzegovina citizens to the European Union visa-free travel regime, hoping that its authorities will meet the necessary requirements in the first half of 2010

- While reminding that the NATO membership of Bosnia and Herzegovina is not a question of if, but when, stress that NATO member States should help Bosnia and Herzegovina to achieve the necessary progress in its reform efforts so that it can join the Membership Action Plan in 2010

- Encourage the continuation of the international community's commitment to support Bosnia and Herzegovina in building strong, functioning and

sustainable institutions for effective governance, while preserving its multi-ethnic, multicultural and multireligious nature

- Expect all States and international financial institutions to explore ways and means to alleviate the consequences of the current economic crisis on Bosnia and Herzegovina, and to invest in and increase regional trade with it
- Note the suggestion of the Turkish Chairmanship-in-Office for the international community to organize a conference in November 2010 on Bosnia and Herzegovina to mark the fifteenth anniversary of the Dayton Peace Agreement, with a view to taking stock of the achievements therefore and discussing the way forward
- Present these conclusions to the Ministers for Foreign Affairs of the participating States of the South-East European Cooperation Process for consideration in their deliberations.

United Nations S/2010/52

Security Council

Distr.: General
1 February 2010

Original: English

Letter dated 29 January 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1540 (2004), and in accordance with paragraph 8 of Security Council resolution 1810 (2008), I submit herewith a final document on the 2009 comprehensive review of the status of implementation of resolution 1540 (2004) (see annex).

I would appreciate it if you would bring the present letter and its annex to the attention of the members of the Security Council and have them circulated as a document of the Council.

(*Signed*) Claude **Heller**
Chairman
Security Council Committee established
pursuant to resolution 1540 (2004)

10-22571 (E) 030210

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Annex to the letter dated 29 January 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

Final document on the 2009 comprehensive review of the status of implementation of Security Council resolution 1540 (2004): key findings and recommendations

1. The adoption of Security Council resolution 1540 (2004) has prompted significant steps across the globe to prevent non-State actors from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical and biological weapons and their means of delivery, and has also facilitated the gathering of comprehensive data of measures taken by States in this regard.

2. Since the adoption of resolution 1540 (2004), a very high number of States have reported on the measures taken in accordance with said resolution. The 2008 report of the Committee established pursuant to resolution 1540 (2004) (S/2008/493) details specific measures undertaken by States to fulfil the obligations of States derived from it.

3. In qualitative terms, a number of Member States have forged new working relationships across government bureaucracies; enhanced regulatory frameworks; and expanded their efforts to address the nexus between non-State actors and weapons of mass destruction. In quantitative terms, since 2006, Member States have made demonstrable and significant progress in addressing the threat of proliferation of weapons of mass destruction. Nearly 160 Member States have reported on their capabilities and gaps in stopping the proliferation of weapons of mass destruction, and the number of States reporting to have implemented legislative measures to penalize the involvement of non-State actors in prohibited weapons of mass destruction proliferation activities has grown considerably since the adoption of resolution 1540 (2004).

4. Some international organizations have also cooperated with the 1540 Committee and Member States in the implementation of the resolution; some of them have included aspects of resolution 1540 (2004) to guide their work. Moreover, some major international organizations have expressed high-level political commitment to the resolution's implementation. In addition, new assistance tools, such as matrices and assistance templates, have been developed to help States comply with their obligations.

5. Implementing resolution 1540 (2004) has combined capacity-building with the development of new assistance vehicles for empowering Member States to fulfil their obligations. Discussions during international workshops, meetings and events sponsored by non-governmental organizations spearheaded by the United Nations and other Member States have supported an evolving process for matching requests for assistance with donors.

6. In resolution 1810 (2008), the Security Council requested the 1540 Committee to consider a comprehensive review of the status of implementation of resolution

1540 (2004). On 27 March 2009, the 1540 Committee provided to the Security Council a report on the modalities for such a review (see S/2009/170, annex).

7. As part of the comprehensive review, and as a means to increase transparency and foster dialogue among Member States, the 1540 Committee held three days of open meetings from 30 September to 2 October 2009, including a general debate and three interactive thematic sessions dealing with specific topics identified in the modalities paper. The experts of the 1540 Committee produced background papers to facilitate the debate (available from http://www.un.org/sc/1540). In addition, a special session for representatives of civil society was held on 1 October to enable them to contribute to the comprehensive review. Overall, a significant number of Member States and international organizations participated in the meetings.

8. During the open meetings, States made clear that they had undertaken noteworthy efforts to implement resolution 1540 (2004) over the previous five years and would continue to do so. States identified the value of the work of the 1540 Committee and the need for a long-term implementation horizon, and discussed challenges still faced in the implementation of resolution 1540 (2004).

9. Five years after adoption of the resolution, the review allowed the 1540 Committee to take stock of the evolution of risks and threats related to the proliferation of nuclear, chemical, and biological weapons and their means of delivery to non-State actors, as well as illicit access or trafficking by such actors of materials related to those weapons. The 1540 Committee focused the review on how it could better address critical issues and identify new approaches to facilitate implementation of the resolution.

10. As a result of this exercise, the 1540 Committee collected specific suggestions for the direction of its future work from States, intergovernmental bodies and civil society during the course of the review, and agreed on the following points.

Capacity of the 1540 Committee to gather information on the status of implementation

11. The 1540 matrix has proved to be a very useful tool to reflect information about actions taken by States in fulfilment of their obligations derived from resolution 1540 (2004). Nevertheless, some States have highlighted the complexity of working with the matrix. It is therefore recommended that the Committee consider, as appropriate, improving the 1540 matrix and assistance templates in order to make them more user friendly, taking into account the relevant suggestions proposed by Member States during the comprehensive review.

12. It was evident that owing to a wide range of obligations derived from resolution 1540 (2004), some States still have some lacunae in addressing all of them in their legislation, including the adoption of penalties and preventive enforcement measures. In this regard, it is recommended that the Committee continue to facilitate legal assistance, at the request of the States concerned, as well as make the legislative database of the 1540 Committee more user friendly.

13. It was also noticed that in some cases the Committee lacks information on enforcement measures taken by States. In this regard, States are encouraged to strengthen their efforts to share information with the Committee on all aspects of enforcement.

14. Other measures to enhance the capacity to gather information on the implementation of resolution 1540 (2004) could include: outreach activities, such as conducting country-specific visits, with the consent of the States concerned, and workshops to delve deeper into understanding the challenges of national implementation; and redoubling efforts to get all States to submit reports, both the outstanding first reports and additional information. Moreover, sharing information on inter-agency cooperation, enforcement activities, voluntary implementation planning and timeline data were among other measures proposed to improve the Committee's understanding of the national implementation measures in accordance with resolution 1540 (2004).

Efficient and effective working practices of the 1540 Committee

15. The cooperative and transparent approach of the 1540 Committee has been a key factor in increasing the level of cooperation with all States. It is recommended that it continue to work with such an approach, including through the practice of organizing outreach activities and increasing its interaction with the entire United Nations membership, including, where appropriate, through open meetings.

16. Some of the proposals to develop more efficient and effective practices include actions, such as holding meetings on a more regular basis, the possibility of including the presence of experts from capitals in the discussion of the most important topics, increasing the number of experts and reducing the number of the Committee's ancillary bodies. Other proposals relate to the use of informal methods, such as ad hoc cooperation arrangements and establishing and working with rosters and networks of experts inside and outside of the United Nations system.

17. The comprehensive review recognized the value of continuing efforts to ease the transition of new non-permanent members to the 1540 Committee and to maintain the network of non-permanent members leaving the 1540 Committee to support implementation of the resolution. The 1540 Committee will consider how it can implement those proposals in a complementary manner.

Means for facilitating assistance

18. The comprehensive review acknowledged that facilitating assistance is a key element for enhancing the full implementation of resolution 1540 (2004). In this regard, the importance of responding to assistance requests from States was recognized. It was also recognized that the provision of assistance to non-reporting States could facilitate the submission of their first reports. Therefore, it is recommended to conduct, with the assistance of the experts of the 1540 Committee, more analyses of the requests, offers and related assistance programmes to develop effective matching strategies.

19. Furthermore, the comprehensive review identified that assistance requests made through regional organizations, or jointly by States that are members of customs unions or free trade zones, can have added value. In this regard, the Committee will continue to encourage the presentation of such requests.

20. In addition to using country visits and workshops for this purpose, the 1540 Committee should consider holding events to bring together those offering and seeking assistance for the implementation of the resolution, to develop more effective assistance networks, and to integrate the implementation of resolution

1540 (2004) obligations with the pursuit of broader national objectives convergent with the resolution.

21. The comprehensive review also welcomed the recommendations made by the 1540 Committee in March 2009 to make more effective use of existing funding mechanisms, including the consideration of the establishment of a voluntary fund, as well as the Security Council's commitment to promote full implementation of resolution 1540 (2004) by Member States by ensuring effective and sustainable support for the activities of the 1540 Committee.

Cooperation with international, regional, subregional, and multilateral institutions

22. In view of the common or interrelated challenges, the 1540 Committee was called upon to create more formal and informal cooperative arrangements with international, regional, subregional and multilateral institutions, to facilitate the sharing of information on good practices and lessons learned, to develop and implement standards, and identify assistance requirements and programmes where the Committee's mandate relating to non-State actors fosters added value. Its work with regional and subregional organizations should focus on facilitating the interaction of regional and national institutions to remedy national implementation challenges, such as reconciling priorities, harmonizing approaches, facilitating advisory and drafting services, and matching requests and offers of assistance. It is recommended that the Committee enhance and, as appropriate, institutionalize its cooperation with international non-proliferation mechanisms, other United Nations bodies, the Group of Eight, regional and subregional organizations, and nuclear-weapons-free zones, where applicable, which could provide added value to the implementation of resolution 1540 (2004) by expanding both formal and informal working relationships with them.

23. The comprehensive review recognized the added value of the regional workshops in facilitating regional experience sharing in the implementation of resolution 1540 (2004) and the need to continue with this practice. In this regard, the Committee will also continue to encourage States to increase their efforts to foster the development and sharing of best practices.

Outreach of the 1540 Committee

24. The comprehensive review recognized the importance for States as well as for the 1540 Committee, as appropriate, to raise awareness and develop appropriate ways to work with and inform industry and the public regarding the obligations derived from laws related to resolution 1540 (2004) that have been adopted by States. It was recognized that interaction with civil society, including through outreach to academia and industry, could assist States in implementing resolution 1540 (2004).

25. As a part of the outreach activities, the comprehensive review recognized that additional efforts need to be made by the Committee to raise awareness among parliamentarians and other high-level decision makers of the obligations derived from resolution 1540 (2004).

26. In addition, the comprehensive review acknowledged the significant number of measures that States have taken to implement resolution 1540 (2004) obligations,

but identified some areas in which States have adopted fewer measures, such as biological weapons, means of delivery, national control lists, and access to related materials and financing of prohibited or illicit proliferation activities.

27. In this regard it was recognized that export control lists are used in promoting the implementation of resolution 1540 (2004).

28. The comprehensive review recognized that all States face challenges in the implementation of the resolution and that, therefore, the work of the Committee should have universal coverage, but a particular effort should be made in regions where States, on average, have taken relatively few measures to implement the resolution and with non-reporting States to get a better understanding of why they have not reported. It was recommended that the 1540 Committee develop an appropriate mechanism of cooperation with non-reporting States, including provision of necessary technical assistance, upon their requests.

29. It was also recognized that in the framework of its activities the Committee should continue to raise awareness about the multilateral treaties whose aim is to prevent the proliferation of or eliminate weapons of mass destruction so as to contribute to their universality.

30. Furthermore, States also underlined the need for strict respect of the rule of law, due process standards and protection of human rights in the implementation and enforcement of resolution 1540 (2004).

31. The States and many international actors welcomed the openness of the comprehensive review process and urged the 1540 Committee to continue this approach and to increase its already useful efforts towards achieving transparency and inclusiveness. Such an approach will foster greater cooperation for the future work of the 1540 Committee and in the implementation of the resolution.

32. The 1540 Committee, while maintaining its distinctive non-proliferation character, will consider practical steps to implement, as appropriate, the diverse recommendations and proposals outlined in the present document, and will also take them into consideration while preparing its programmes of work for the remainder of its current mandate.

33. This record of ideas and implementation challenges demonstrates the need for a long-term focus to address these non-proliferation challenges through cooperation with and among Member States.